

FENCES



City of New Holstein
2110 Washington St, New Holstein, WI 53061
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Building Inspector: Cary Nate 920-901-0288

Background

A fence is a permitted accessory use in any district. Before it is constructed, installed, or any part of same put in place, an application with plans and specification (height, location, and type of fence proposed) attached shall have been filed with the Building Inspector and he/she shall have approved and granted a permit. Fences shall comply with requirements set forth in the Municipal Code.

Definition

A fence shall be defined for the purpose of this ordinance as any type of materials or structures that delineate the boundaries between two parcels of land, or that delineate and describe an area to be contained, even though persons might pass through the same, meaning to broadly establish as an example of a fence such things as a moat, a retaining wall, a line of posts even without connection to each other but set in a line to delineate a certain area for the landowner or lessee's purposes. Other items are such as a split rail, guard posts, any fence described in this ordinance, or any type of man-made marking of an area regardless of whether it causes a restraint of persons, animals, or other items passing from one owner's or lessee's property to the other.

Types of Fences

Fence, Open. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than fifty (50%) percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.

Fence Ornamental. A fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; frame a driveway, walkway, or planting bed. Ornamental fences are those with more than fifty (50%) percent of their surface area open for free passage of light and air. Ornamental fences are often of the pick-et, rail, or wrought iron type.

Fence Screening. A structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.

Fence, Security. A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

Fence, Solid. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with fifty (50%) or less of their surface area open for free passage of light and air and designed to conceal the activities conducted behind them. Examples of such fences are stockade, board on board, board and batten, basket weave, louvered fences, and chain link with screening inserts.

Prohibited Types of Fences

Barbed wire fences and electric fences are prohibited in the City of New Holstein, except in zoned Industrial and Agricultural Districts.

Snow fencing of wire bound lath or similar construction shall not be used as a permanent fence of any kind.

No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges shall be trimmed or confined to the property on which they are planted. No fence consisting in whole or in part of any material dangerous to life and limb shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the City of New Holstein.

Permit Required

A fence is a permitted accessory use in any district. Before it is constructed, installed, or any part of same put in place, an application with plans and specification (height, location, and type of fence proposed) attached shall have been filed with the Building Inspector and he/she shall have approved and granted a permit. Fences shall comply with requirements set forth in the Municipal Code.

Site & Building Requirements

Fence Height and Placement Limits. Fences will be set back a minimum of eighteen (18) inches from the lot line to allow for maintenance by their owners.

Fence height regulations established shall not prevent an increase in height of two (2) inches or less to allow for clearance between fencing material and the ground below to prevent decay or corrosion.

Fences in Side and Rear Yards, Outside Setback Areas.

[1] No fence erected shall exceed six (6) feet in height. No fence shall be erected within four (4) feet of alley right of way lines.

[2] A fence not exceeding eight (8) feet in height may be erected, constructed or maintained on any premises within a residential district provided that such fence is erected or constructed along that portion of the lot lying adjacent or abutting a non-residential district, subject to the Common Council's approval.

[3] A fence not exceeding eight (8) feet in height and a minimum of four (4) feet in height shall be erected for the purpose of enclosing a swimming pool. The bottom shall be a maximum of two (2) inches above the existing ground elevation, and a locking gate shall be provided. Fences for swimming pools, as required by Section 11.07 of the Municipal Code shall also meet standards established in that Section of the Code.

[4] Except as allowed in [1], [2], and [3] above, all other fences exceeding six (6) feet in height shall require a permit from the Building Inspector, subject to the Common Council's approval.

Corner Lots and Setback Areas Adjacent to Street and Alley Right of Way.

[1] No fence, shrub, tree, or hedge shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 1/2) feet and ten (10) feet above the sidewalk grades of the intersecting streets and alleys and within twenty (20) feet of the intersecting right of way lines. In other words, no fence exceeding 2 1/2 feet in height shall be allowed from the front of the building/home to the front lot line, or from the side of the building/home to the side lot line. All other plants shall not exceed two and one half (2 1/2) feet in this area.

[2] All other fences adjacent to street and alley right of ways shall not exceed three (3) feet in height. If ninety (90%) percent open, a fence in this area may be four (4) feet in height.

Additional Information

Existing Fences. Any fence which exists at the time of the passage of this Code, but does not conform with the provisions thereof, shall not be altered or enlarged without making the entire fence conform with the provisions of this section.

Fence Maintenance. Fences must be maintained so as not to be unsightly or present harmful health or safety conditions. Within residential districts, the finished side of any fence shall be oriented towards the adjoining property.

Joint Fences. Nothing in this Ordinance shall be construed to prevent, and it is the consensus of this Ordinance to encourage property owners or lessees with adjoining properties to jointly make an Agreement, in writing, for construction or maintenance of a fence located either exactly on the property line or, for the purpose of avoiding chance of adverse possession or otherwise, or other reasonable legal reasons, on one party's land or the other. The joint Agreement shall be written and signed by all property owners to the Agreement, and the signatures must be notarized and the Agreement shall be recorded in the Office of the Register of Deeds for Calumet County so as to give any subsequent purchaser notice of said Agreement. Such Agreement should be attached with the specifications to the joint permit application.